

REMARKS

I. Introduction

By the present Amendment, claim 14 has been amended, and claims 17 and 18 canceled. Accordingly, claims 1, 2, and 4-16 remain pending in the application. Claims 1 and 14 are independent.

II. Office Action Summary

In the Office Action of September 14, 2006, claims 14, 17, and 18 were rejected under 35 USC §120(e) as being anticipated by U.S. Patent No. 6,926,988 issued to Dristy et al. ("Dristy"). This rejection is respectfully traversed.

III. Allowable Subject Matter

The Examiner's indication that claims 1, 2, 4-13, 15, and 16 are allowed is noted with appreciation.

IV. Rejection under 35 USC §102

Claims 14, 17, and 18 were rejected under 35 USC §102(e) as being anticipated by Dristy. The cancellation of claims 17 and 18 has rendered part of this ground of rejection moot with respect to these claims. Regarding claim 14, the Office Action indicates that Dristy discloses a pressing member that includes a top surface to directly contact a contact member. This top surface is indicated as extending in a transverse direction corresponding to the head surface. The Office Action further states that the contact members (56 and 60) are on opposite sides of the membrane electrode assembly and therefore prevented from contacting each other.

By the present Amendment, independent claim 14 has been amended to better define the claimed invention and include features that are not disclosed by the art of record. As amended, independent claim 1 defines a fuel cell for generating electric energy from a chemical reaction between hydrogen and oxygen. The fuel cell comprises:

- a membrane electrode assembly for generating an electric field through the membrane electrode assembly with the chemical reaction between the oxygen and the hydrogen;

- a pair of first and second contact members, the first contact member contacting a first side surface of the membrane electrode assembly, and the second contact member contacting a second side surface of the membrane electrode assembly; and

- a pressing member for generating a pressing force for urging each of the first and second contact members toward corresponding one of the first and second side surfaces in a pressing direction;

- wherein the pressing member has a head surface area extending in the transverse direction and contacting one of the first and second contact members to urge the one of the first and second contact member toward the corresponding one of the first and second side surfaces in the pressing direction, and

- wherein the first and second contact members are prevented from contacting each other and connected to each other through the membrane electrode assembly in the pressing direction within the head surface area as seen in the pressing direction.

According to independent claim 14, the fuel cell includes a membrane electrode assembly, a pair of first and second contact members, and a pressing member. The membrane electrode assembly generates the electric field through the membrane as a result of the chemical reaction between oxygen and hydrogen. The first and second contact members are arranged such that they contact a first side surface and a second side surface of the membrane electrode, respectively. The pressing member generates a pressing force in order to urge to the first and second contact members toward the corresponding side surfaces along a pressing direction. The pressing member has a head surface area that extends in a transverse direction and contacts either the first or second contact member in order to urge it toward the

corresponding second side surface in the pressing direction. The first and second contact members are prevented from contacting each other within the head surface area when viewed in the pressing direction. Furthermore, the first and second contact members are connected to each other through the membrane electrode assembly in the pressing direction. See Fig. 1. According to the arrangement of independent claim 14, it is possible to evenly distribute the pressing force over the membrane electrode assembly using the elasticity of the first and second contact members. Furthermore, the pressing force is prevented from being directly applied to the membrane electrode assembly in the pressing direction.

Applicants' review of Dristy shows that the two contact members 56 and 60 are located on opposite sides of the membrane electrode assembly. However, these two contact members do not appear to be also connected to each other, as set forth in independent claim 14. Rather, they directly contact the membrane electrode assembly and, consequently, apply force directly to the membrane electrode assembly. Dristy fails to disclose features of independent claim 14 such as:

wherein the first and second contact members are prevented from contacting each other and connected to each other through the membrane electrode assembly in the pressing direction within the head surface area as seen in the pressing direction.

It is therefore respectfully submitted that independent claim 14 is allowable over the art of record.

V. Conclusion


For the reasons stated above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a Notice of Allowance is believed in order, and courteously solicited.

If the Examiner believes that there are any matters which can be resolved by way of either a personal or telephone interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

AUTHORIZATION

Applicants request any shortage or excess in fees in connection with the filing of this paper, including extension of time fees, and for which no other form of payment is offered, be charged or credited to Deposit Account No. 01-2135 (Case: 500.43031X00).

Respectfully submitted,
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